

Guam Coastal Management Program

Application Review Committee (ARC)



Summary and Position Statements October 1, 2016 to March 31, 2017

Government Coordination Application Review Committee (ARC)

Application Review Committee (ARC). In this reporting period, October 1, 2016 to March 31, 2017, GCMP reviewed nineteen (19) land use projects through the Application Review Committee. Of the 19 applications, GCMP evaluated and submitted position statements for seventeen (17) applications addressed to the Chairman of the Guam Land Use Commission (GLUC) with recommendations and conditions placed on each project for the protection of natural resources and the NGLA. Two (2) applications were withdrawn by the applicant.

All 19 proposed projects applied for the following land use activity: zone change, conditional use, minor setback variance, summary zone change, zone variance, and tentative subdivision as summarized below.

Zone Change. During this reporting period 5 zone changes requests were submitted as follows A to M-1 (1), A to C (2), R-2 to C (1), and R-1 to C (1). These rezone proposals were to develop the applicants property ranged from warehouse, retail, and other commercial activity related items. The Bureau disapproved of two (2) of the project proposals and approved three (3) that were in line with the Guam Coastal Management Programs Mandates.

Summary Zone Change. There were three (3) proposed projects requesting for a zone change from "R-1" rural and "R-1" single family residential zones (2) and "A" to "R-2" Multi-family residential zone (1). All proposals were primarily for the construction multi-family homes.

Conditional Use. Two (2) applicants requested for a conditional use. One request is to construct and operate a retail with office space and warehouse space in the rural zone and another applicant requested for a conversion of a previous mini storage facility and add 2 dwelling units commercial zone.

Tentative Subdivision Plan. An applicant requested to construct 116 single-family dwellings in a Dededo/Yigo area which required a tentative development plan.

Zone Height Variance. Docomo Pacific Guam, a telecommunications company requested to install three 100ft. telecommunications monopole towers in rural zones. Two (2) to be located in the Southern area of Santa Rita and another in Talofofo and one (1) in the Northern village of Dededo. One (1) 3 story Medical Service structure was also requested.

Zone Variance. One (1) variance for the use was requested for a Mini Canteen and Catering Service activity.

Minor Setback Variance. One (1) applicant requested for a minor setback variance primarily for their existing property. The request is to allow an encroachment of 2 foot setback variance from the required 8 foot setback minimum requirement.

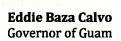
Government Coordination Application Review Committee (ARC)

Table 3 below indicates zoning requests, number of applications, and GCMP's position.

TABLE 3. Application Review Committee (ARC) Summary October 1, 2016 to March 31, 2017						
Type of Permit Activity	Applications (filed through the ARC)	BSP/GCMP Position Statement				
		Disapproved	Approved	Conditional Approval	No Position	Review in Progress
Conditional Use	2	0	2	0	0	0
Minor Setback Variance	1	0	1	0	0	0
Seashore Clearance	0	0	0	0	0	0
Summary Zone Change	3	0	3	0	0	0
Zone Change	5	2	3	0	0	0
Zone Variance	5	2	3	0	0	0
Tentative Subdivision Approval	1	1	0	0	0	0
Tentative Development Plan	0	0	0	0	0	0
Wetland	0	0	0	0	0	0
TOTAL	17	5	12	0	0	0

Each application comprised land use projects located within the Northern Watershed, above the Northern Guam Lens Aquifer (NGLA). Planners stress the NGLA's importance and need for protection from proposed activities. GCMP also refers to the approved North and Central Guam Land Use Plan (NCGLUP) for land use policies and maps relevant to each proposed project in addition to the Geographic Information System map viewers inclusive of NOAA's Coastal Change Analysis Program (C-CAP), Guam Resource Environment Assessment Tool (GREAT).

Planners determine potential impacts to natural resources, coastal hazards, and land cover including impervious surfaces and vegetation. Site inspections were conducted for each application in order to gain greater understanding of the existing land features and the proposal of the project; to determine the feasibility of the potential activity; and to determine the surrounding activities that may impede or impact the area negatively both developmental and environmental in its regard. Position statements for each processed application are attached to this report.







Government of Guam P.O. Box 2950 Hagåtña, Guam 96932

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Manuel Q. Cruz Deputy Director

Ray Tenorio Lieutenant Governor

FEB 2 7 2017



MEMORANDUM

TO:

Chairman, Guam Land Use Commission

VIA:

Executive Secretary, Department of Land Management

FROM:

Deputy Director, Bureau of Statistics and Plans

SUBJECT:

DLM **Application No.** 2017-06; **Location:** Lot 4 Block 15 Dededo Village, Dededo; **Applicant(s):** Mr. Virgilio R. & Ms. Susan M. La Rosa; **Proposed Use:** Zone Variance (Use) in an "R-1" (Single Family Dwelling) Zone

Håfa Adai! The applicant(s), Virgilio R. & Susan M. La Rosa, are requesting for a zone variance for use in an R1 Single Family Dwelling Zone on Lot 4 Block 15 within the Municipality of Dededo. The street address is #255 Redondo Luchan and Iglesias Circle Dededo. The applicant(s) is proposing a mini-canteen/eatery and catering service in an existing residential home.

The existing residential location can be found within the Dededo village across from the Santa Barbara School and is 867.29 square meters or 7,350.03 square feet. The make-up of the surrounding location is a mixture of apartments, a retail store, and the Santa Barbara Elementary Catholic School directly across from the residence.

The activities surrounding the proposed location is a mixture of single family dwelling residential homes, multi-family dwelling units (apartments), a recreational park, a library, a Catholic church and the Santa Barbara Catholic school immediately across the applicants' property. Also, less than two miles away there are other mixed uses such as the Compadres Mall, Cost U Less, the Harmon Sports Complex/park, an elementary public school, and a medical clinic accessible by the Route 1 area.

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and recommendations.

Land Use. The Bureau finds that the proposed project is within the mixed use category according to the North and Central Guam Land Use Plan (NCGLUP) Future Land Use Map

designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Mixed Use" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (b).

Mixed Use: The Mixed Use category primarily focuses on larger commercial centers and corridors, including commercial uses that require large sites and draw customers from throughout the Island. Examples of commercial uses appropriate to this category include but are not limited to department stores, malls, office buildings, medical and other service uses, hotels/motels and restaurants. Mixed use developments incorporating a variety of types and densities of residential units are also appropriate in this designation. Mixed Use development along corridors should be developed in a manner that focuses density in specific areas or 'transit targets' to support high-quality transit service, and should be developed at a walkable neighborhood scale. Along undeveloped corridors, the mixed use development should be interspersed with development that is lower density to maintain natural character and open space.

The Bureau has determined that the applicant(s) is in line with the surrounding mixed uses found within the Dededo village and recommends that all conditions be addressed by the Agencies/Departments on the Board of the Application Review Committee (ARC).

Title 11 of the Guam Code Annotated Chapter 3 Alcohol Beverage Control, Subsection 3306. States in part, ".....the Board shall not issue an on-sale license for premises located within a distance of five hundred (500) feet from any church, hospital, or public or private school of general education where persons under the age of eighteen (18) are taught,......"

The Bureau acknowledges that the proposed activity is in line with providing food and beverage items customarily found within restaurant type of activities similar to this. The limitation is that the school across the street is affected by this requirement as it is well within the 500 foot distance; therefore, the Bureau advises Virgilio R. & Susan M. La Rosa that no alcohol can be sold for consumption within the applicant's premises.

Aquifer Protection. The subject property is not in the boundary of the Ground Water Protection Zone of the Northern Guam Lens Aquifer (NGLA) so any groundwater contamination is not impacted directly. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

It is with the above in mind that the Bureau remind the land owner that the proposed activities not be deviated upon without ARC and TLUC approval prior to any changes occurring.

Erosion Control. The alteration from vegetated areas to impervious surfaces such as buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms.

Studies show that impervious surfaces can be directly correlated to increased runoff volumes as well as waterway velocities, erosion, and flooding. Controlling erosion and sediment runoff is a major factor in the protection of Guam's vital water resource.

The applicant is required to implement best management practices on site to control erosion and sediment before, during and after construction of the project. The applicant is advised to consult with Guam EPA for effective implementation of BMPs. These practices may include but are not limited to the following:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the residential property.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Stabilize construction entrance and install necessary perimeter controls and diversions.
- 4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
- 6. Where feasible, schedule construction during dry season.

For detailed information on the above listed practices, we refer the property owners to the CNMI and Guam Stormwater Management Manual, which may be obtained from our website www.bsp3.guam.gov under the Guam Coastal Management Program.

Low Impact Development (LID). The project site lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than 5.17 % according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and decreased water quality and in order to minimize negative impacts best management practices should be incorporated.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from roads, parking lots, driveways, sidewalks, and rooftops accelerate stormwater runoff.

The Bureau is concerned that once impervious surfaces are installed, commercial wastes are easily washed into the aquifer. If not managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors if measures are not in place to manage runoff on the property.

The Bureau recommends the applicant to consider a green approach by implementing island bioretention, permeable parking and walkways, living roofs, grassed swales and/or rain gardens as a means to avoid or minimize runoff from their property. These approaches will

add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration and pride in accordance with the North and Central Guam Land Use Plan. An electronic file of the guidebook "Island Stormwater Practice Design Specifications" is available on the Bureau's, Guam Coastal Management Program's website www.bsp3.guam.gov.

Historical and Archaeological Resources. The Bureau recommends that the applicant provide coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to Historical Objects and Sites, 21 GCA, Chapter 76.

In light of the points presented above, the Bureau finds that although the subject lot is located in a residential zone, we find that the proposed commercial activity is compatible with its surrounding uses and with the NCGLUP. It is with all this in mind that the Bureau of Statistics and Plans recommends approval to the proposal as presented. Moreover, if this application is approved, the applicant must be required to comply with established laws and the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

MANUEL Q. CRUZ

cc: GEPA

DPR

DPW

GWA

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William M. Castro

Manuel Q. Cruz

Deputy Director

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DEC 0 7 2016

MEMORANDUM

TO:

Chairman, Guam Land Use Commission

VIA:

Executive Secretary, Department of Land Management

FROM:

Director, Bureau of Statistics and Plans

SUBJECT:

Application No. 2015-30; Location: Lot 10062-1-R7, Dededo;

Applicant: Eddie Cruz Palomo; Proposed Use: Zone Change from "R1"

Single Family Dwelling Zone to "C" Commercial Zone

Håfa Adai! The applicant, Eddie Cruz Palomo, represented by Richard Sana of FC Benavente Planners request for a zone change from R1 Single Family Dwelling Zone to "C" Commercial Zone on Lot 10062-1-R7 in the municipality of Dededo. The applicant proposes to construct accessory storage units to support existing building materials operated by Tsang Brothers Corporation. Tsang Brothers Corporation operates a retail store on the adjoining commercial lot presently leased by the applicant, Eddie Cruz Palomo. Mr. Palomo seeks approval to unify his properties in a commercial zone.

The subject lot is under one acre (0.89) in size and can be accessed just off of Harmon Loop Road. The vacant property is surrounded by residential, recreational, government, and commercial activities. The Compadres Mall, Cost U Less, a sports complex, a public school, and a medical clinic are all within less than a mile from the applicant's property.

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and recommendations.

Land Use. The Bureau finds that the proposed project is not consistent with the North and Central Guam Land Use Plan (NCGLUP) Future Land Use Map designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Residential" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (b).

General Residential. The Residential category provides for a range of residential densities, ranging from low density single family residences to multiple family structures. Nonresidential uses are generally discouraged except for public facilities, schools, and institutions, provided their nature and location are not detrimental to the residential environment. Where neighborhood-scaled commercial and retail is desired in a residential zone, a special design review process should be established to ensure compatibility with surrounding residential neighborhoods.

Aquifer Protection. The subject property is in the boundary of the Ground Water Protection Zone of the Northern Guam Lens Aquifer (NGLA). The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

The Bureau is concerned that activities from the proposed commercial zone will adversely affect Guam's sole source aquifer. Therefore, the Bureau recommends that the property owners, comply with the following:

- 1. Consult with Guam Environmental Protection Agency (EPA) to implement practices for managing commercial waste to avoid potential contamination of Guam's aquifer and ensure long term protection. Practices may include the following but are not limited to:
 - Keeping a spill kit close to where spills are likely and ensure all staff know how to use it;
 - Surrounding storage areas with containment berms to control leaks or spills; and
 - Employee training to manage waste and materials properly.
- 2. Comply with an Aquifer Protection Review pursuant to the Federal Safe Drinking Water Act, §1424 and Guam Safe Drinking Water Act, 10 GCA Chapter 53. The property owners must work closely with Guam Environmental Protection Agency (EPA) for this review.
- 3. Coordinate with the Guam EPA for water resource conservation and water pollution prevention in protection of the Northern Guam Lens Aquifer pursuant to the Water Pollution Control Act, 10 GCA Chapter 47; Water Resources Conservation Act, 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the Guam Water Resource Development & Operating Regulations.
- 4. Implement best management practices (BMPs) to prevent stormwater runoff from flooding surrounding neighbors and contaminating Guam's sole source aquifer in

accordance with the CNMI and Guam Stormwater Management Manual.

Erosion Control. The alteration of vegetated areas to buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms. Studies show that impervious surfaces can be directly correlated to increased runoff volumes as well as waterway velocities, erosion, and flooding. Controlling erosion and sediment runoff is a major factor in the protection of Guam's vital water resource.

The applicant is required to implement best management practices on site to control erosion and sediment before, during and after construction of the project. The applicant is advised to consult with Guam EPA for effective implementation of BMPs. These practices may include but are not limited to the following:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Stabilize construction entrance and install necessary perimeter controls and diversions.
- 4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
- 6. Where feasible, schedule construction during dry season.

For detailed information on the above listed practices, we refer the property owners to the CNMI and Guam Stormwater Management Manual, which may be obtained from our website www.bsp3.guam.gov under the Guam Coastal Management Program.

Low Impact Development (LID). The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from roads, parking lots, driveways, sidewalks, and rooftops accelerate stormwater runoff. The Bureau is concerned that once impervious surfaces are installed, commercial wastes are easily washed into the aquifer. If not managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors if measures are not in place to manage runoff on the property.

The Bureau recommends the applicant to consider a green approach by implementing island bioretention, permeable parking and walkways, living roofs, grassed swales and/or rain gardens as a means to avoid or minimize runoff from their property. These approaches will add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration and pride in accordance with the North and Central Guam Land Use Plan. An electronic file of the guidebook "Island Stormwater Practice Design Specifications" is available on the Bureau's, Guam Coastal Management Program's website www.bsp3.guam.gov.

Historical and Archaeological Resources. The Bureau recommends coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to Historical Objects and Sites, 21 GCA, Chapter 76.

In light of the points presented above, the Bureau finds that although the subject lot is located in a residential zone, we find that the proposed commercial activity is compatible with its surrounding uses. We further find that stormwater runoff from commercial activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place to control erosion and manage runoff on site. We encourage the applicant to prevent contaminants from entering Guam's aquifer. Subsequently, if this application is approved, the applicant must be required to comply with established laws and the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

MANUEL Q. CRUZ

Acting

cc: GEPA DPR

DPW

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BUREAU OF

STATISTICS & PLANS

SAGAN PLANU SIHA YAN EMFOTMASION

William M. Castro Director Manuel Q. Cruz

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DEC 0 7 2016

MEMORANDUM

To:

Chairman, Guam Land Use Commission

Via:

Executive Secretary, Department of Land Management

From:

Director, Bureau of Statistics and Plans

Subject:

Application No. 2016-25; Location: Lot 5009-2-21 Ukudu Dededo:

Applicant: CW Holdings, LLC. Proposed Use: Zone Variance (Height) of a

3-Story Medical Services Building with a Height of 38 feet

Håfa Adai! The applicant, CW Holdings, LLC, represented by Michael Wirges of Sterling Design, INC., is requesting a height variance for their proposed development, the Guam Medical Arts Center. The property, which is currently zoned M-1, is located in Ukudu, Dededo and will provide complimentary medical offices and support facilities in the lot immediately adjacent to the hospital. The applicant states that due to the medical facility's specialized equipment ant tools, a height variance is necessary in order to properly accommodate for the specialized nature of the medical equipment.

To justify public necessity, convenience, and general welfare, the applicant cited that the construction of the Guam Regional Medical City Hospital has created the need for development and construction of complimentary medical and office facilities, thereby creating exceptional circumstances and conditions for the requested height variances. The granting of this variance will cause no material harm to the neighborhood and on the contrary will in fact provide positive services for the surrounding community and island in general.

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and offers no objection to the proposed height variance. That being said, this project will require construction and therefore, should the Guam Land Use Commission (GLUC) decide to approve the zone change request, the applicant is advised to address the following issues and adhere to the conditions prior to approval.

Aquifer Protection from Industrial Waste. The applicant's Dededo property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that industrial activities will have adverse effects to Guam's sole source aquifer. The applicant is advised to consult with the Guam Environmental Protection Agency (EPA) to:

- 1. Implement practices for managing industrial waste to avoid potential contamination and ensure long term protection of the aquifer pursuant to the "Resource Conservation and Recovery Act of 1976". Practices may include the following, but are not limited to:
 - a. Keeping a spill kit close to where spills are likely and ensure all staff know how to use it:
 - b. Surrounding storage areas with containment berms to control leaks or spills and;
 - c. Employee training to manage waste and materials properly.
- 2. Comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.
- 3. Ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

Stormwater Management. The application is lacking a stormwater management plan with detailed features. A site plan identifies a water infiltration basin for another property (Lot 5224-3-3) other than Lot 5224-3-1-R1. Therefore, the applicant must address stormwater on site and provide a site plan relevant Lot 5224-3-1-R1.

As industrial activities produce high concentrations of pollutants, the Bureau is concerned that activities generated by CW Holdings, LLC operations may impair the water quality of Guam's sole-source aquifer if stormwater runoff is not treated. The Bureau advises the applicant to consult with Guam EPA in submitting a stormwater pollution prevention plan

and to install appropriate stormwater methods that will address runoff and hazardous waste on site.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. Therefore, before any clearing and grading on the property, the applicant is required to consult Guam EPA.

The Bureau further recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

- 1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.
- 2. Where feasible, schedule construction during dry season.
- Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

Additional methods are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide. These guides may be obtained from the Bureau's website www.bsp3.guam.gov under Guam Coastal Management Program.

Low Impact Development (LID) Practices. The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the Bureau recommends the applicant to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An

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electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under Guam Coastal Management Program.

Other Environmental Impacts. Other potential environmental concerns include air pollution including odors from the releases of chemicals within the facility. The applicant is advised to consult with Guam EPA to address these impacts.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We further encourage and promote the protection of Guam's natural resources for generations to enjoy. Si Yu'os Ma'ase'.

MANUEL Q. CRUZ-

Acting

cc: GEPA

DPR

DPW

GWA

GPA





Ray Tenorio
Lieutenant Governor

Government of Guam P.O. Box 2950 Hagåtña, Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812

Manuel Q. Cruz Deputy Director

JAN 1 7 2017

MEMORANDUM

To:

Chairman, Guam Land Use Planning

Via:

Executive Secretary, Department of Land Management

From:

Director, Bureau of Statistics and Plans

Subject:

APPLICATION NO. 2016-37; LOCATION: Lot 5152-4-R1, Dededo

APPLICANT: Tanota Rentals LLC; PROPOSED USE: Zone Change "A"

Rural to "M-1" Light Industrial

Håfa Adai! The applicant, Tanota Rentals, LLC, represented by Richard Sana of FC Benavente Planners, request a zone change from "A" rural to "M-1" light industrial for the proposed development of an office building and two warehouses on Lot 5152-4-R1 in the municipality of Dededo. The application states that the proposed project is in response to a demand for small scale warehousing and mixed retail facilities in the area.

The vacant lot comprises 1.8 acres and can be accessed from Route 16. Surrounding land uses are primarily a mix of multi-family dwellings, a school and commercial activities. Lot 5152-4-R1 is adjacent to St. Paul's Christian School, Today's Realty and multiple residences.

The Bureau has completed its review of the subject application and provides the following comments and recommendations:

Land Use. The Bureau finds that the proposed project is not consistent with the North and Central Guam Land Use Plan's future land use map designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as a "Residential Zone" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (b) General Residential:

"The Residential category provides for a range of residential densities, ranging from low density single family residences to multiple family structures. Nonresidential uses are generally discouraged except for public facilities, schools, and institutions, provided their nature and location are not detrimental to the residential environment. Where neighborhood-scaled commercial and retail is desired in a residential zone, a special design review

process should be established to ensure compatibility with surrounding residential neighborhoods."

Agricultural District. The Bureau recommends the applicant to submit an agricultural impact statement addressed to the Director of the Department of Agriculture as required by Guam's zoning law. Lot 5152-4-R1 is located in an "A" Rural zone in the municipality of Dededo. Guam Code Annotated Real Property Chapter 16, §61637, states:

"No additional land may be established as a rural zone and no land presently zoned "A" may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:

- (a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.
- (b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.
- (c) The Director's opinion whether said rezoning should be approved and reasons therefore."

Industrial Waste Hazards. The applicant's Dededo property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The property is also located near a school and multi-family residences. Accordingly, the Bureau is concerned about the potential hazards of industrial activities such as chemical leaks, solvents, and air pollution affecting the surrounding neighbors including school children, in addition to adverse effects to Guam's sole source aquifer. The applicant is advised to consult with the Guam Environmental Protection Agency (EPA) to:

- 1. Implement practices for managing industrial waste to avoid potential contamination and ensure long term protection of the aquifer pursuant to the "Resource Conservation and Recovery Act of 1976". Practices may include the following, but are not limited to:
 - a. Keeping a spill kit close to where spills are likely and ensure all staff know how to use it:
 - b. Mopping the workshop floor rather than hosing;
 - c. Surrounding storage areas with containment berms to control leaks or spills and;
 - d. Employee training to manage waste and materials properly.

- 2. Consult with Guam EPA to prevent potential leaks from hazardous waste.
- 3. Coordinate with Guam EPA for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act."

Stormwater Management. The application lacks a stormwater management plan with detailed features. Moreover, the site plan lacks information on layouts of utilities and drainage as well as a feasibility study among other requirements of the zone change identified in GLUC Form 02.

Managing stormwater is a key element in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters including the NGLA. The alteration of vegetated areas into buildings, driveways, parking lots, roads and other surfaces prevent water from filtering into the ground and greatly increases the runoff volume created during storms.

As industrial activities produce high concentrations of pollutants, the Bureau is concerned that activities generated by Tanota Rentals, LLC operations may impair the water quality of Guam's sole-source aquifer if stormwater runoff is not managed. Hazardous substances and liquid waste entering the groundwater may be caused by spills of liquids such as oil, coolant, paints, solvents and other chemicals.

According to the CNMI Guam Stormwater Management Manual, Ch. 2 Stormwater Treatment Practice Criteria and Standards:

- "...stormwater runoff from hotspots cannot be allowed to infiltrate into groundwater without prior water quality treatment."
- "...a greater level of stormwater treatment is needed at hotspot sites to prevent pollutant wash off after construction. This will involve preparing and implementing a stormwater pollution prevention plan (SWPPP) that involves a series of operational practices at the site that reduce the generation of pollutants from a site or prevent contact of rainfall with the pollutants."

The Bureau recommends the applicant to consult with Guam EPA in preparing and submitting a SWPPP and to implement effective stormwater methods that will control runoff and hazardous waste on site.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. Therefore, the Bureau recommends that the applicant prevent

adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

- 1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.
- 2. Where feasible, schedule construction during dry season.
- Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

Additional methods are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website www.bsp3.guam.gov under Guam Coastal Management Program.

Low Impact Development (LID) Practices. The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the Bureau recommends the applicant to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under the Guam Coastal Management Program.

Other Environmental Impacts. Other potential environmental concerns include air pollution including odors from the releases of chemicals within the facility. The applicant is advised to consult with Guam EPA to address these impacts.

Historical and Archaeological Resources. The Bureau recommends coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to "Historical Objects and Sites", 21 GCA, Chapter 76.

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In light of the points presented above, the Bureau finds that the zone change from rural to light industrial zone is not consistent with the North and Central Guam Land Use Plan's residential designation. We further find that industrial activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place to control stormwater runoff and effectively manage hazardous chemicals.

Therefore, the Bureau recommends objection to the proposed request to rezone Lot 5152-4-R1 from "A" Rural to "M-1" Light Industrial zone in the municipality of Dededo. Subsequently, if this application is approved, the property owner is required to comply with established laws and comply with the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

MANUEL O. CRUZ

cc: GEPA DPR DOAG DPW GWA

GPA



William M. Castro
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NOV 1 0 2016

MEMORANDUM

To:

Chairman, Guam Land Use Planning

Via:

Executive Secretary, Department of Land Management

From:

Director, Bureau of Statistics and Plans

Subject:

APPLICATION NO. 2016-44; **LOCATION:** Lot 5328-REM, Mangilao **APPLICANT:** Joseph M. Palomo, Administrator of Estate of Vicente Palomo Castro; **PROPOSED USE:** Zone Change "A" Rural to "M-1" Light

Industrial

Håfa Adai! The applicant, Joseph M. Palomo, Administrator for the estate of Vicente Palomo Castro represented by Harry D. Gutierrez request a zone change from "A" rural to "M-1" light industrial for the proposed development of warehouses, office space, veterinary clinic, boarding facility, adequate parking and other permitted uses on Lot 5328-REM in the municipality of Mangilao. Located directly across the Gloria B. Nelson Public Utilities Complex, the subject lot can be accessed just off of Route 15, which runs directly across the property creating a northern and southern portion. Lot 5328-REM is vacant and comprised of 17.11 acres of limestone forest. Surrounding land uses are a mix of residential, commercial, industrial and government operations.

The Bureau has completed its review of the subject application and provides the following comments and recommendations:

Land Use. The Bureau finds that the proposed project is not consistent with the North and Central Guam Land Use Plan's future land use map designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified "Residential Zone" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (b) General Residential:

"The Residential category provides for a range of residential densities, ranging from low density single family residences to multiple family structures. Nonresidential uses are generally discouraged except for public facilities, schools, and institutions, provided their nature and location are not

detrimental to the residential environment. Where neighborhood-scaled commercial and retail is desired in a residential zone, a special design review process should be established to ensure compatibility with surrounding residential neighborhoods."

Agricultural District. The Bureau recommends the applicant to submit an agricultural impact statement addressed to the Director of the Department of Agriculture as required by Guam's zoning law. Lot 5328-REM is located in an "A" Rural zone in the municipality of Mangilao. Guam Code Annotated Real Property Chapter 16, §61637, states:

"No additional land may be established as a rural zone and no land presently zoned "A" may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:

- (a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.
- (b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.
- (c) The Director's opinion whether said rezoning should be approved and reasons therefore."

Aquifer Protection from Industrial Waste. The applicant's Mangilao property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that industrial activities will have adverse effects to Guam's sole source aquifer. The applicant is advised to consult with the Guam Environmental Protection Agency (EPA) to:

- 1. Implement practices for managing industrial waste to avoid potential contamination and ensure long term protection of the aquifer pursuant to the "Resource Conservation and Recovery Act of 1976". Practices may include the following, but are not limited to:
 - a. Keeping a spill kit close to where spills are likely and ensure all staff know how to use it:
 - b. Mopping the workshop floor rather than hosing;

- c. Surrounding storage areas with containment berms to control leaks or spills and;
- d. Employee training to manage waste and materials properly.
- 2. Comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.
- 3. Coordinate with Guam EPA for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

Stormwater Management. Managing stormwater is a key element in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters. The alteration of vegetated areas into buildings, driveways, parking lots, roads and other surfaces prevent water from filtering into the ground and greatly increases the runoff volume created during storms. Studies show that impervious surfaces directly correlate to increased runoff volumes as well as waterway velocities, erosion, and flooding.

Industrial sites are classified as stormwater hotspots which is defined in the CNMI Guam Stormwater Management Manual as "a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxins than are found in typical stormwater runoff, based on monitoring studies." As industrial activities produce high concentrations of pollutants, the Bureau is concerned that industrial activities generated on the property may severely impair water quality of Guam's sole source aquifer. If best management practices are not in place before, during, and after construction to control runoff from the site, this activity can adversely affect Guam's drinking water source and surrounding neighbors. The stormwater manual further states that:

- "...stormwater runoff from hotspots cannot be allowed to infiltrate into groundwater without prior water quality treatment."
- "...a greater level of stormwater treatment is needed at hotspot sites to
 prevent pollutant wash off after construction. This will involve preparing
 and implementing a stormwater pollution prevention plan (SWPPP) that
 involves a series of operational practices at the site that reduce the
 generation of pollutants from a site or prevent contact of rainfall with the
 pollutants."

The Bureau recommends the applicant to consult with Guam EPA in preparing and submitting a SWPPP and employing best management practices to control runoff and hazardous waste.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. Therefore, before any clearing and grading of the property's 17.11 acres, the applicant is required to:

1. Submit an Environmental Impact Assessment (EIA) to Guam EPA.

The Bureau further recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

- 1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.
- 2. Where feasible, schedule construction during dry season.
- 3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

Additional methods are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website www.bsp3.guam.gov under Guam Coastal Management Program.

Low Impact Development (LID) Practices. The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the applicant should be required to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under the Guam Coastal Management Program.

Historical and Archaeological Resources. The Bureau recommends coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to "Historical Objects and Sites", 21 GCA, Chapter 76.

In light of the points presented above, the Bureau finds that the zone change from rural to light industrial zone is not consistent with the North and Central Guam Land Use Plan's residential designation. We further find that industrial activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place to control stormwater runoff and prevent contaminants from entering the aquifer. Therefore, the Bureau recommends objection of the proposed request to rezone Lot 5328-REM in the municipality of Mangilao. Subsequently, if this application is approved, the property owner must be required to comply with established laws and the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

WILLIAM M. CASTRO

cc: GEPA DPR DOAG DPW GWA GPA





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Manuel Q. Cruz Deputy Director

FEB 0 1 2017

MEMORANDUM

To: Chairman, Guam Land Use Commission

Via: Executive Secretary, Department of Land Management

From: Deputy Director, Bureau of Statistics and Plans

Subject: Position Statement on Application No. 2016-47

Applicant: Docomo Pacific Inc. Guam

Location: Santa Rita, Lot 1 Block 1, Tract 173

Purpose: 100ft. Telecommunications Monopole Tower

Hafa Adai! The applicant, Docomo Pacific Guam requests a zone variance on Lot 1, Block 1, Tract 173 in the Municipality of Santa Rita (Formerly of Agat). In accordance to Executive Order (EO) 2001-36 and Building Permit No. B16000701, Docomo has installed a 100 foot telecommunications monopole tower on a portion of the property, approximately 86,035 square feet. Located in an "A" (Rural) zone, the subject lot can be accessed just off Route 5 directly behind the Light House Baptist building. The property is adjacent to a military installation, a local supermarket and a planned unit development (PUD) zone. The subject lot is predominantly vegetative in the area.

A telecommunications antenna site agreement indicates that the property is leased to Docomo Pacific Guam by the Light House Baptist Church (Registered Owner) for a term of twenty-five (25) years. Docomo Pacific Guam seeks to improve its telecommunication infrastructure in order to provide services throughout the island including underserved areas with less signal coverage.

The Bureau of Statistics and Plans (Bureau) has completed its review of the application and provides the following comments and recommendations.

Land Use. The subject lot is located within the "A" (Agricultural) Zone in the Southern portion of the island, which contains the as-built 100 ft. telecommunications monopole tower. Although the tower has already been constructed, Docomo Pacific Inc. Guam is advised to consult with the Department of Agriculture on any potential adverse conservation or agricultural effects resulting from this project.

Safety Precaution. According to Docomo Pacific Inc. Guam representatives, the 100ft. monopole tower is not nearby any developed structures so it poses little if minor potential damages due to natural hazards. However, the 100ft. telecommunications monopole tower is approximately 10 to 12 stories in height. The Bureau is concerned about the potential of the tower collapsing in the event of tropical storms and typhoons. Therefore, the applicant is strongly advised to implement safety measures to ensure the protection of the community in the event of tropical storms, typhoons, seismic activity and other catastrophic events.

Although the proposal is considered an as-built development all regulatory compliance requirements and/or conditions still must be considered and adhered to in its entirety including any other applicable local and federal statutes.

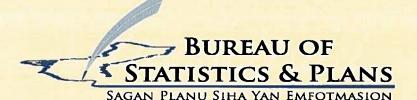
As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

MANUEL Q. CRUZ

cc: GEPA DOAG DPR

DPW GPA

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Manuel Q. Cruz
Deputy Director

Ray Tenorio
Lieutenant Governor

DEC 1 5 2016

MEMORANDUM

To:

Chairman, Guam Land Use Planning

Via:

Executive Secretary, Department of Land Management

From:

Director, Bureau of Statistics and Plans

Subject:

APPLICATION NO. 2016-50; **LOCATION:** Lot No. 5019-2-1 & 5019-2-R-1, Tamuning; **APPLICANT:** Calvo Enterprises, Inc.; **PROPOSED USE:** Conditional Use Application for Use of Existing Structure as a Mini

Storage Facility

Håfa Adai! The applicant, Calvo Enterprises, Inc. represented by Ignacio Santos, request for conditional use permit for use of an existing building as a mini storage facility on Lot 5019-2-1 and 5019-2-R1 in in the municipality of Tamuning. On-site improvement to the property comprises perimeter fencing, construction of storage bays and a small office area to accommodate the proposed use.

The proposed storage facility will be situated in the former Guam Power Authority office, a two-story building fronting Route 16 and adjacent to McDonalds in Harmon. The property is zoned "C" commercial and measures 109,190 square feet, approximately a quarter of an acre. Surrounding land uses are primarily commercial and industrial developments.

The Bureau has completed its review of the subject application and provides the following comments and recommendations.

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as an "Industrial Zone" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (g) Industrial:

"Industrial lands are those lands designated for a variety of industrial uses and agricultural, commercial, and non-residential uses compatible with industrial uses. Typical uses include manufacturing and processing, wholesaling, large storage and

transportation facilities, light industrial and industrial-commercial uses. The industrial area also includes the Guam International Airport, which serves as the international transportation hub for both passenger and freight service....Residential development is limited to uses such as caretaker facilities and accessory dwelling units."

The Bureau finds that the proposed project is consistent with the NCGLUP's Future Land Use Map designations.

Aquifer Protection. The applicant's property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau recommends the applicant to consult with the Guam Environmental Protection Agency (EPA) to comply with aquifer protection pursuant to the Federal Safe Drinking Water Act § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53 and water resource conservation pursuant to the Water Pollution Control Act.

Stormwater Management. Managing stormwater is a key element in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters. Studies show that impervious surfaces directly correlate to increased runoff volumes as well as waterway velocities, erosion, and flooding. The application indicates that stormwater generated on the project site will be captured through an existing catchment facility.

The Bureau advises the applicant to consult with Guam EPA in employing best management practices to control runoff from the property, which may include enhancement of the building's existing stormwater catchment system.

Low Impact Development (LID) Practices. The project site lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP), impervious surfaces in this area have increased by 5.17% between the years 2005 to 2011. As surface area increases so does flooding and degradation of water quality.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

BSP Position Statement ARC 2016-50 Page 3 of 3

Considering the growing concerns of flooding due to increased impervious surface, the applicant is encouraged to reduce impervious surfaces and implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under the Guam Coastal Management Program.

In light of the points presented above, the Bureau finds that surface runoff can adversely affect Guam's sole source aquifer and surrounding neighbors if best management practices are not in place to manage stormwater on site. At the same time, we also find that the proposed activity is consistent with the North and Central Guam Land Use Plan. The Bureau has no objection to the project. However, if this application is approved, the Bureau recommends that the applicant comply with the above listed recommendations and established laws.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

WILLIAM M. CASTRO

cc: GEPA GWA DPW DPR



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Manuel Q. Cruz Deputy Director

FEB 0 1 2017

MEMORANDUM

To:

Chairman, Guam Land Use Commission

Via:

Executive Secretary, Department of Land Management

From:

Deputy Director, Bureau of Statistics and Plans

Subject:

Application No. 2016-52

Applicant: Docomo Pacific Inc. Guam **Location:** Lot 04, Block 2, Talofofo, Guam

Purpose: 100ft. Telecommunications Monopole Tower

Hafa Adai! The applicant, Docomo Pacific Inc. Guam requests a zone variance for use and height on Lot 04, Block 2 in the municipality of Talofofo. Docomo proposes to install a 100ft. telecommunications monopole tower on a portion of the subject property, approximately 900 square feet in size. A telecommunications antenna site agreement indicates that the property is leased to Docomo Pacific Inc. Guam by Michael A. Merfalen (Landlord) for a term of twenty-five (25) years.

The proposed project is located in an "R1" One-Family Dwelling Zone in the village of Talofofo and can be accessed from Leonardo Tenorio Street and Juan Mantanona Street. The vacant lot is surrounded primarily by single family residential homes. Other uses surrounding the property within a 750 ft. and 1,000 ft. radius are predominantly residential homes, a church, a park, a small retail store, the mayor's office and a public school.

The Bureau of Statistics and Plans (Bureau) has completed its review of the application and provides the following comments and recommendations.

Land Use and Safety Concerns. Docomo Pacific Inc. Guam states that the proposed location is critical to ensure the widest and best coverage. Docomo further cites Executive Order 2001-36 to allow Guam telecommunications companies to develop competitive, safe, and efficient mobile communications services.

The applicant is advised that Executive Order 2016-01 repeals and rescinds Executive Order (EO) 2001-36 in its entirety. Accordingly, this project is no longer applicable to EO 2001-36. Therefore, the applicant must adhere to EO 2016-01.

Lot 04, Block 2 is located in an "R1" One-Family Dwelling Zone. Surrounding land uses are predominantly residential homes and community service facilities including Talofofo Elementary School and the Talofofo Mayor's Office. The maximum building height in the project area is two-stories high. In contrast the proposed tower is approximately 10 to 12 stories high. The Bureau is concerned about the close proximity of the tower to the surrounding neighbors. The safety of residents in this this area is of utmost concern, should a typhoon or natural disaster occur.

In their justification letter, Docomo Pacific Inc. Guam maintains that all equipment installed and maintained by the company is licensed and regulated by the Federal Communications Commission (FCC). The company further maintains a Comprehensive General Liability Insurance policy, which requires a minimum of \$1,000,000 liability policy for each site constructed. While the company asserts that it complies with FCC regulations, the Bureau is concerned that the close proximity of the 100 ft. monopole tower to residents may be harmful and injurious to the property and the residents in the neighborhood.

The Bureau finds that the applicant's justification lacked clear specifications such as tolerance to storm hazards to assure public safety and welfare and that the granting of the height variance will not be detrimental to public welfare or injurious to the property and residents in the area. Therefore, the Bureau finds that the proposed 100 ft. monopole tower in a residential neighborhood presents potential danger of collapsing in the event of storm winds exceeding the strength tolerance rating within the fall radius should the structure fail.

Stormwater Management. The subject property is located in the Talofofo River-Frontal Talofofo Bay Watershed, which comprises Talofofo Bay, Talofofo River, various streams and nearly 15 square miles of forested land according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). The C-CAP further characterizes that 3.7% of this watershed is developed and 1.35% is impervious surfaces between the years 2005 and 2011. The alteration of vegetated areas to buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms.

Although the project site is less than an acre, the applicant is required to implement best management practices before, during, and after construction of the telecommunications tower to control erosion, sediment, and runoff on site. Docomo is further advised to consult with Guam Environmental Protection Agency for BSP Position Statement ARC 2016-52 Docomo Pacific Page 3 of 3

effective implementation of these practices that may include but are not limited to the following:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 4. Where feasible, schedule construction during dry season.

In light of the points presented above, the Bureau finds that the close proximity of the tower can be materially detrimental to the residential environment and injurious to property should the structure fail. Therefore, the Bureau recommends objection to this project. Subsequently, if this application is approved, the applicant must comply with all established laws, comply with the recommendations above, and implement safety measures to ensure the safety of the community in the event of tropical storms, typhoons, seismic activity and other catastrophic events.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'us Ma'ase'.

MANUEL Q. CRUZ

cc: Guam EPA

DOAG

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GUAM

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Manuel Q. Cruz Deputy Director

FEB 0 1 2017

MEMORANDUM

To: Chairman, Guam Land Use Commission

Via: Executive Secretary, Department of Land Management

From: Deputy Director, Bureau of Statistics and Plans

Subject: Application No. 2016-53

Applicant: Docomo Pacific Inc. Guam **Location:** Lot 10069-3-6 Dededo, Guam

Purpose: 100ft. Telecommunications Monopole Tower

Hafa Adai! The applicant, Docomo Pacific Inc. Guam requests a zone variance for use and height on Lot 10069-3-6 in the municipality of Dededo. Docomo proposes to install a 100ft. telecommunications monopole tower on a portion of the subject property, approximately 900 square feet in size. A telecommunications antenna site agreement indicates that the property is leased to Docomo Pacific Inc. Guam by Jose Y. and Rosalia Quichocho (Landlord) for a term of twenty-five (25) years.

The proposed project is located in an "A" Rural/Agricultural Zone in the village of Dededo and can be accessed from Route 28 just off of Route 1, Marine Corps Drive. The vacant lot is surrounded primarily by single family residential homes and a small retail store. The subject property is a vacant lot with vegetated cover.

The Bureau of Statistics and Plans (Bureau) has completed its review of the application and provides the following comments and recommendations.

Land Use. Lot 10069-3-6 Dededo is located in an "A" Rural/Agricultural Zone. Docomo Pacific Inc. Guam states that the proposed location is intended to provide overall island coverage and improve service for residents as well as enhance emergency access and Homeland Security capabilities in emergencies.

The Bureau is concerned that the installation of the 100ft, monopole tower may restrict other uses permitted in an "A" zone inclusive of farming and activities carried on in the field

of agriculture, such as the production of crops, fruits, and poultry to name a few. The Bureau advises Docomo Pacific Inc. Guam to consult with the Department of Agriculture on any potential adverse conservation or agricultural effects.

Safety Precaution. The safety of residents in this this area is of utmost concern, should a typhoon or natural disaster occur. The Bureau is concerned about the possibility of the tower collapsing as a result of the natural disaster or the failure of one or more of the tower's components.

In their justification letter, Docomo Pacific Inc. Guam maintains that all equipment installed and maintained by the company is licensed and regulated by the Federal Communications Commission (FCC). The company further maintains a Comprehensive General Liability Insurance policy, which requires a minimum of \$1,000,000 liability policy for each site constructed. While the applicant asserts that it complies with FCC regulations, they lacked clear specifications such as tolerance to storm hazards to assure public safety and welfare and that the granting of the height variance will not be detrimental to public welfare or injurious to the property and residents in the area. Therefore, the Bureau finds that the proposed 100 ft. monopole tower presents potential danger of collapsing in the event of storm winds exceeding the strength tolerance rating within the fall radius should the structure fail. The applicant is strongly advised to implement safety measures to ensure the protection of the community in the event of tropical storms, typhoons, seismic activity and other catastrophic events.

Best Management Practices. The subject property is located in the Mataguac Spring-Frontal Pacific Ocean Watershed, which contains the Northern Guam Lens Aquifer. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP) this area has seen an increase in impervious surfaces and a decrease of forested area between the years of 2005 and 2011. The C-CAP further characterizes that 27.3% of this watershed is developed and 12.08% is impervious. As surface area increases so does the risk of flooding and degradation of water quality.

Although the project site is less than an acre, the applicant is required to implement best management practices before, during, and after construction of the telecommunications tower to control erosion, sediment, and runoff on site. Docomo is further advised to consult with Guam Environmental Protection Agency for effective implementation of these practices that may include but are not limited to the following:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 4. Where feasible, schedule construction during dry season.

BSP Position Statement ARC 2016-53 Docomo Pacific Page 3 of 3

In light of the points presented above, the Bureau finds that the tower can be materially detrimental and injurious to property should the structure fail. We further find that the construction of a tower in an agricultural area can restrict other activities allowed in an "A" zone. Therefore, the Bureau recommends objection to this project. Subsequently, if this application is approved, the applicant must comply with all established laws, comply with the recommendations above, and implement safety measures to ensure the safety of the community in the event of tropical storms, typhoons, seismic activity and other catastrophic events.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'us Ma'ase'.

MANUEL Q. CRUZ

cc: Guam EPA

DOAG

DPR

GWA

GPA

DPW

Lieutenant Governor

Ray Tenorio



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Director

Manuel Q. Cruz

Deputy Director

DEC 0 6 2016

MEMORANDUM

To:

Chairman, Guam Land Use Commission

Via:

Executive Secretary, Department of Land Management

From:

Director, Bureau of Statistics and Plans

Subject:

APPLICATION NO. 2016-54; **LOCATION:** Lot 7135-3-5-NEW, Tract 10442, Dededo/Yigo; **APPLICANT:** Guam Five Star Corporation; **PROPOSED USE:** Tentative Subdivision for Construction of 116 Single

Family Dwellings

Håfa Adai! The applicant, Guam Five Star Corporation, represented by Ignacio Santos, request for a tentative subdivision for the proposed construction of one hundred sixteen (116) single family dwellings on Lot 7135-3-5-NEW, Tract 10442 in an "R1" Single Family Dwelling zone within the municipalities of Dededo and Yigo. The proposed project comprises site improvements with paved roads, street lights, curb gutters, sidewalks, and fire hydrants in addition to a playground, basketball court, and shelters. A site development plan identifies two ponding basins. The applicant also proposes extensive landscaping with signage at the entrance of the development.

The vacant lot comprises a land area of 107,421 square meters or 26.54 acres and can be accessed from Wusstig Road just off of Route 1, Marine Corps Drive. Surrounding land uses are primarily residential homes, small subdivision, and a farm. Simon Sanchez High School is approximately a mile away from the subject property.

The Bureau has completed its review of the subject application and provides the following comments and recommendations:

Land Use. The Bureau finds that the proposed project is not consistent with the North and Central Guam Land Use Plan (NCGLUP) Future Land Use Map designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Very Low Residential (VLD)" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (a).

Very Low Residential: "This residential designation provides for very low density (VLD) residential development in the area over the sole source Northern Aquifer. The purpose of this designation is to provide for residential development while protecting the long-term viability and health of the Northern Aquifer. VLD Residential densities should generally be no more than one unit per acre. Non-residential development such as continued agricultural uses should be subject to specific criteria and standards to ensure protection of the Northern Aquifer."

Aquifer Protection. The applicant's Dededo/Yigo property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that the proposed construction of one-hundred sixteen (116) single family homes will trigger adverse effects in the aquifer if measures are not in place to control erosion and sedimentation during and after construction of the project. The proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks, and parking lots on twenty-six acres. These surfaces greatly increase runoff volume accelerating erosion and carrying pollutants into the aquifer.

The Bureau recommends that the applicant:

- 1. Implement best management practices (BMPs) to manage stormwater runoff on site, prevent runoff from flooding surrounding neighbors, and avoid contaminating Guam's sole source aquifer in accordance with the CNMI and Guam Stormwater Management Manual. Additional BMPs may be found in the manual in the Bureau's website www.bsp3.guam.gov under the Guam Coastal Management Program.
- 2. Consult with Guam Environmental Protection Agency (EPA) to comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. The Bureau recommends that Guam Five Star Corporation prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.

- 3. Stabilize construction entrance and install necessary perimeter controls and diversions.
- 4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
- 6. Where feasible, schedule construction during dry season.

Detailed information and other practices are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website www.bsp3.guam.gov under Guam Coastal Management Program.

Stormwater Management. The project site plan proposes two ponding basins on Lot 7135-3-5-NEW, Tract 10442 within the subdivision. With the intent of the basins to capture stormwater and contaminated runoff, it is highly unlikely that the ponding basin is sufficient to accommodate runoff volume from 26.54 acres. Furthermore, the ponding basin does not filter or treat pollutants before water re-enters the ground. Therefore, we highly recommend that the applicant to:

- Incorporate stormwater facilities inclusive of multi-cell ponding basins, bioretention systems, and bioswales into their site design as an infrastructure improvement.
- 2. Consult with Guam EPA in preparing and implementing a stormwater pollution prevention plan (SWPPP) that involves a series of operational practices as the site that reduce the generation of pollutants from a site or prevent contact of rainfall with the pollutants.

Low Impact Development (LID) Practices. The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the applicant should be required to implement LID practices such as permeable parking and

BSP Position Statement ARC 2016-54 Page 4 of 4

walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property and from each subdivided lot. Additionally, the applicant is highly recommended to incorporate open space and green corridor areas in the site development plan.

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

Historic Preservation. The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division that the proposed development does not affect historic properties.

In light of the points presented above, the Bureau finds that the tentative subdivision request is not consistent with the North and Central Guam Land Use Plan's "Very Low Residential" designation. We further find that construction activities and impervious surfaces from 26.54 acres can adversely affect Guam's sole source aquifer and surrounding neighbors if best management practices are not in place to manage stormwater runoff on site. Therefore, the Bureau recommends objection of the proposed request for tentative subdivision on Lot 7135-3-5-NEW, Tract 10442 in the municipalities of Dededo and Yigo. Subsequently, if this application is approved, the Guam Five Star Corporation must be required to comply with established laws and the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

MANUEL Q. CRUZ

Acting

cc: GEPA DPW GWA

DPR



TO ALL OF THE PARTY OF THE PART

William M. Castro
Director
Manuel Q. Cruz
Deputy Director

Ray Tenorio
Lieutenant Governor

Government of Guam
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OCT 1 8 2016

MEMORANDUM

TO:

Director, Department of Land Management

ATTN:

Division of Planning

FROM:

Director, Bureau of Statistics and Plans

SUBJECT:

APPLICATION NO. SZC 2016-55

LOCATION: Municipality of Yigo, Lot 5, Unit 2, Tract 257

APPLICANT: Cecilia Diego Mulligan

PROPOSED USE: Rezone from "R-1" (Single-Family) to "R-2" (Multi-Family

Dwelling)

Buenas yan Håfa Adai! The applicant, Cecilia Diego Mulligan, is requesting to rezone from "R-1" (Single-Family) to "R-2" (Multi-Family Dwelling) in order to come into compliance and legally convert her residence into a duplex, so that she may provide housing for a sibling with a disability as well as open up the possibility of renting.

The subject property is located on Kalalang Court in the municipality of Yigo and has an approximate area of 14,856(±) square feet. The residence is located within a cul-de-sac with a 30 foot wide access road. The surrounding land uses consist entirely of single family housing. The residence is already hooked up to sewer and water, and the applicant does not have plans to perform any further construction on her property.

To justify the zone change, the applicant has attached a petition signed by the surrounding neighbors within a 500' radius of her residence. Also attached in support of the rezoning is a letter of approval from the Mayor of Yigo, Rudy M. Matanane. As the applicant simply wishes to come into compliance and does not plan to perform any further construction, the Bureau recommends approval of the requested rezoning of Lot 5, Unit 2, Tract 257, from "R-1" (Single Family) to "R-2" (Multi-Family Dwelling). Si Yu'os Ma'ase.

WILLIAM M. CASTRO



William M. Castro
Director
Manuel Q. Cruz
Deputy Director

Ray Tenorio
Lieutenant Governor

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DEC 2 3 2016

MEMORANDUM

To: Chairman, Guam Land Use Planning

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: APPLICATION NO. 2017-01; LOCATION: Lot No. 1120-REM-1-2NEW

Mongmong-Toto-Maite; APPLICANT: John Setiadi Tan; PROPOSED USE: Zone Change from "R2" Multi-Family Dwelling to "C" Commercial Zone for Professional Architectural Office and Residential Duplex

Håfa Adai! The applicant, John Setiadi Tan, represented by Elizabeth Gayle request for a zone change from R2 multi-family dwelling to "C" commercial zone for the construction of professional architectural office and two (2) residential units on Lot No. 1120-REM-1-2NEW in the municipality of Mongmong-Toto-Maite. Currently, the applicant's property, Lot 1120-REM-1-R2 was granted a zone variance allowing commercial use in an R2 zone (GLUC 2007-057). The applicant proposes to further develop the whole property as a professional office complex. The existing building on Lot No. 1120-REM-1-2NEW will be expanded to accommodate additional parking spaces, gallery space, and residential units.

The subject lot is 2,375 square meters or approximately half (0.586) an acre. Lot No. 1120-REM-1-2NEW is located along Route 8, one of Guam's major thoroughfare. The adjacent surrounding properties are predominantly commercial establishments, including First Hawaiian Bank, Coast 360, a retail store, a pub, and a flower shop. Other land uses include a heavy equipment rental company and a government office – Guam Retirement Fund.

The Bureau has completed its review of the subject application and provides the following comments and recommendations:

Stormwater Management. Managing stormwater is a key element in the protection of Guam's water resources. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters including the Northern Guam Lens Aquifer (NGLA). The installation of impervious surfaces greatly increases runoff volume created during storms, as well as waterway velocities, erosion, and flooding.

The application lacks a drainage plan or methods to address stormwater runoff. However, in an ARC meeting November 3, 2016, Ms. Gayle stated that "the new building will catch runoff from the roof into downspouts and they will also go into a filtered infiltration chamber." Additional water catchments like a rock-filled trench will be installed throughout since the property is too small to accommodate a ponding basin according to Ms. Gayle.

The Bureau applauds the applicant for incorporating best management practices to manage stormwater runoff on site. However, the applicant's property is located above Guam's aquifer, a primary water source for drinking water. Therefore, we recommend the applicant to consult with Guam Environmental Protection Agency (EPA) for effective implementation of stormwater controls.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. The Bureau recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

- 1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.
- 2. Where feasible, schedule construction during dry season.
- 3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

Additional methods are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website www.bsp3.guam.gov under Guam Coastal Management Program.

Low Impact Development (LID) Practices. The project site also lies within the Fonte River-Frontal Hagåtña Bay Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

Considering the growing concerns of flooding due to increased impervious surface, the applicant is highly encouraged to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under the Guam Coastal Management Program.

In light of the points presented above, the Bureau finds that the proposed commercial activity is compatible with its surrounding uses. We further find that stormwater runoff from commercial activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place. Accordingly, the applicant is encouraged to prevent contaminants from entering Guam's aquifer by controlling erosion during construction and managing stormwater on site. Subsequently, if this application is approved, the Bureau recommends the applicant to comply with the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

WILLIAM M. CASTRO

cc: GEPA DPW GWA

DPR

GPA





Manuel Q. Cruz Deputy Director

Ray Tenorio
Lieutenant Governor

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MEMORANDUM

MAR 2 0 2017

TO:

Chairman, Guam Land Use Commission

ATTN:

Executive Secretary, Department of Land Management

FROM:

Deputy Director, Bureau of Statistics and Plans

SUBJECT:

DLM **Application No.** 2017-07; **Location:** Lot No.10070A-4-1NEW, Municipality of Dededo, Guam; **Applicant:** Zong Ren Chen c/o Harry D. Gutierrez - Consultant; **Proposal:** Conditional Use in an "A" (Agricultural)

Zone for a Retail Store.

Håfa Adai! The applicant, Zong Ren Chen, represented by Harry Gutierrez is requesting for a Conditional Use in an "A" Zone to develop a Retail Store of 1,540 square feet, Office Space of 1,700 square feet, and Storage area of 1,700 square feet for a total of 4,490 square feet of usage on the 1st floor with the 2nd floor proposed as a single family dwelling in the Y-Sengsong area within the Municipality of Dededo.

The property is comprised of a total area of approximately 1,858.00 square meters or 20,000.00 square feet or just over a half acre. The make-up of the surrounding location is a mixture of single-family dwelling units and two retail stores as close as three blocks away and just over two miles away respectively.

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and recommendations.

Land Use. The Bureau finds that the proposed project is within the Village Center category according to the North and Central Guam Land Use Plan (NCGLUP) Future Land Use Map designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Village Center" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (c).

Village Center: The Village Center is intended to provide flexibility for a compatible mix of residential, commercial, public facility, medical and other service uses at a scale and pattern that is consistent with traditional villages and neighborhoods (similar to the urban neighborhoods proposed by the Hagatna Redevelopment Masterplan). Uses may be mixed vertically, such as retail street level, with residential

above, or horizontally, with a mixed of uses next to each other in separate buildings. This Designation applies to the existing Dededo and Yigo villages, on a smaller scale to Mangilao and Barrigada, along with two new areas in the northern part of the Island. Flexibility is encouraged in this category, recognizing that the exact mix and configuration of uses must be responsive to community needs and history. Future implementation may include development standards to ensure preservation of existing historic structures. Development should occur in a manner that creates a central focal point and supports bicycle and pedestrian linkages to the surrounding area. Although the areas designated as Village Centers may be quite large, they should be developed as a series of individual Uses.

Aquifer Protection. The subject property is within the boundary of the Ground Water Protection Zone of the Northern Guam Lens Aquifer (NGLA). The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

It is with the above in mind that the Bureau remind the land owner that the proposed activities not be deviated upon without ARC and GLUC approval prior to any changes occurring.

Erosion Control. The alteration of vegetated areas to buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms. Studies show that impervious surfaces can be directly correlated to increased runoff volumes as well as waterway velocities, erosion, and flooding. Controlling erosion and sediment runoff is a major factor in the protection of Guam's vital water resource.

The applicant is required to implement best management practices on site to control erosion and sediment before, during and after construction of the project. The applicant is advised to consult with Guam EPA for effective implementation of BMPs. These practices may include but are not limited to the following:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the residential property.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Stabilize construction entrance and install necessary perimeter controls and diversions.
- 4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
- 6. Where feasible, schedule construction during dry season.

For detailed information on the above listed practices, we refer the property owners to the CNMI and Guam Stormwater Management Manual, which may be obtained from our website bsp.guam.gov under the Guam Coastal Management Program, Land Use and Natural Resource Planning.

BSP Position Statement SZC Application No. 2017-07 Page 3

Low Impact Development (LID). The project site lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from roads, parking lots, driveways, sidewalks, and rooftops accelerate stormwater runoff. The Bureau is concerned that once impervious surfaces are installed, commercial wastes are easily washed into the aquifer. If not managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors if measures are not in place to manage runoff on the property.

The Bureau recommends the applicant to consider a green approach by implementing island bioretention, permeable parking and walkways, living roofs, grassed swales and/or rain gardens as a means to avoid or minimize runoff from their property. These approaches will add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration and pride in accordance with the North and Central Guam Land Use Plan. An electronic file of the guidebook "Island Stormwater Practice Design Specifications" is available on the Bureau's, Guam Coastal Management Program's website bsp.guam.gov under Land Use and Natural Resource Planning.

Historical and Archaeological Resources. The Bureau recommends that the applicant provide coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to Historical Objects and Sites, 21 GCA, Chapter 76.

In light of the discussions above, the Bureau acknowledges that the proposed commercial activity is expected to serve a need and is expected to be compatible with the surrounding uses. Therefore the Bureau recommends approval to the Conditional Use request as proposed but cautions the applicant that any change to the proposed activities due to its potential impacts may warrant a Guam Land Use Commission amendment approval prior to commencement of the new proposed activity.

Subsequently, if this application is approved, the applicant must be required to comply with established laws and the recommendations stipulated above.

BSP Position Statement SZC Application No. 2017-07 Page 4

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

MANUEL Q. CRUZ



Ray Tenorio
Lieutenant Governor

Government of Guam
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Manuel Q. Cruz Deputy Director

MEMORANDUM

TO:

Director, Department of Land Management

MAR 2 0 2017

ATTN:

Division of Planning

FROM:

Deputy Director, Bureau of Statistics and Plans

SUBJECT:

APPLICATION NO. 2017-16

LOCATION: Lot 6, Block 5 Tract 1034, Unit 3 Municipality of Dededo, Guam

APPLICANT: Suette, LLC c/o Sudhakar Narayanaswamy

PROPOSED USE: Minor Setback Variance for an Existing (8.0 ft.) Rear yard

Setback variance which should have been a 10 foot minimum for

conformance within the zoning designation in the Municipality of Barrigada.

Håfa Adai! The applicant, Suette, LLC care of Sudhakar Narayanaswamy is requesting a minor setback variance from the required 10 foot rear yard setback to an eight feet (8.0') rear yard setback or 2 feet short of the minimum requirement as set forth in Guam's Zoning Law. The GHURA 501 property is identified as Tract 1034 Block 6 Lot 5, Municipality of Dededo and designated as an "R-1" single family dwelling Zone.

The Bureau of Statistics and Plans (Bureau) has completed its review of the setback variance request and finds that the use is compatible with the surrounding area and is consistent with the Guam Master Plan and North and Central Guam Land Use Plan. We find that the 2 foot distance requested for variance is nominal, and is not expected to be a detriment to surrounding landowners if certain conditions are met and complied with.

The Bureau has seen no evidence that the structure was built prior to November 1991 through June 1997 so the building is deemed as a legal nonconforming. Within Public Law 27-91 are conditions that are specifically set out and must be adhered to in its entirety. Namely,

1). The variance is for not more than three (3) feet beyond the setback requirement of only one (1) yard (side, front, or rear) to allow the suitable location of a structure where practical difficulties exist due to special circumstances applicable to the building or property, including size, shape, topography, location or surroundings, depriving such

- property of privileges enjoyed by other property in the vicinity and under identical zoning classification consistent with the general welfare of the adjacent neighbors.
- 2). The granting of the variance does not authorize a use or activity which is not authorized by the zone regulations governing the parcel or property.
- 3). Water runoff from the roof line of any structure shall not encroach beyond the property line of the parcel.
- 4). No encroachment onto an area engrossed by a grant of easement shall occur.
- 5). Concurrence from the adjacent property owners located along the property line closest to the setback encroachment shall be obtained.
- 6). Real property chattels or any transient residential accommodations including breakfast inns, motels or hotels are not considered as residential dwellings for the purpose of this subsection.
- 7). No other setback variance shall be granted by the Commission on the parcel affected by the grant of variance through this subsection. The physical removal of any structure or a portion thereof approved through this subsection shall void the restrictions imposed by this subsection.
- 8). The Department shall notify all contiguous property owners of the proposed minor setback variance. Upon notification by the Department, the property owners shall have thirty (30) days to submit written objections to the Director.

Please refer to GCA Title 21 Chapter 61 Subsection 616116 Variances for further details.

The Bureau has noted that the 2 foot encroachment is an open concrete flooring and roofing only and can meet the setback requirement if the structure were to be altered or redesigned in the future to meet the minimum yard area regulation. As noted previously it would void all conditions imposed on the property.

The Bureau has no objection to the request for setback variance based on 21 GCA Real Property Ch. 61 Zoning Law subsection 616116 which specifically states setback variances may be granted if "variance is for not more than three feet beyond setback requirement of only one yard (side, front, or rear)." The applicant is requesting a setback variance of less than two foot on the rear yard of their property all of which is in accordance with the aforementioned provisions.

Subsequently, if this application is approved, we highly recommend the applicant to comply with the aforementioned conditions.

BSP Position Statement Application No. 2017-16 Page 3

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and general welfare of the people within the Territory of Guam. Si Yu'os Ma'ase.

MANUEL Q. CRUZ





Ray Tenorio Lieutenant Governor

Government of Guam P.O. Box 2950 Hagatña, Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812

Manuel O. Cruz Deputy Director

FFB 1 3 2017

MEMORANDUM

TO:

Director, Department of Land Management

ATTN:

Division of Planning

FROM:

Deputy Director, Bureau of Statistics and Plans

SUBJECT: APPLICATION NO. SZC 2017-08

LOCATION: Asan Lot No. 246-REM-5

APPLICANT: Ms. Fang Torres c\o Harry Gutierrez (Consultant) PROPOSED USE: Rezone from "A" Agriculture to "R-2" Multi-Family

Dwelling

Buenas yan Håfa Adai! The applicant, Ms. Fang Torres represented by Harry Gutierrez (Consultant) is requesting for a summary zone change from "A" (Rural/Agriculture) zone, to "R-2" (Multi-Family Dwelling) in order to construct four duplexes and one 4 unit apartment for family and rentals on Lot 246-REM-5 in the Municipality of Asan.

The subject property is located in the Nimitz Hill area within the municipality of Asan and has an approximate area of 35,800(±) square feet or just over .75% of an acre. The property can be accessed through the Nimitz area along the Murray road that serviced multi-family military personnel and has since been transferred back to the owners. The surrounding land uses consist predominantly of single and multi-family dwelling units as well as other agricultural zoned undeveloped property. The subject lot is currently vacant, and all basic infrastructure such as water and power including sewer is available and located 100 ft. from the proposed development.

The Bureau of Statistics and Plans (Bureau) has completed its review of the application to rezone Lot 246-REM-5 from "A" Agriculture to R-2 Multi-Family Dwelling use and provides the following comments and recommendations.

Summary Zone Change. To justify the Summary Zone Change request, the applicant has submitted a Summary Zone Change application which lacked a preliminary development plan showing the outline sketch of setbacks per building, structure location, site parking plan, stormwater site retention, a landscaping plan, erosion best management practices, access and any accompanying covenants. The Bureau emphasizes and cautions the applicant that, according to the Summary Zone Change

Guidelines, "any deviation from the accompanying site development plans shall nullify said zone change under this process."

The application lacks a sketch of the proposed development including a rough sketch of the property that is vital and would be necessary to insure that all zoning requirements are addressed and in accordance to the Summary Zone Change requirements for development. As it now stands, all necessary utilities are available but the plan does not include the height of the dwelling units/apartment, the parking plan, all setbacks from property line and between structures, and an on-site design plan for stormwater containment within the property most especially in light of the slope and gradient of property.

Title 21 of the Guam Code Annotated; Chapter 61 Zoning Law states that the application should include sketch of the development. §61639 Summary Procedure for Agricultural and Single Family Residential Zoning states:

(a) "The submission of a completed application to the Director of Land Management who shall render a decision thereon within sixty (60) calendar days; provided that: (2) the applicant meets all other requirements established by DLM. This shall include the provision of a rough sketch of the development which the applicant intends to undertake on the land involved."

The Bureau finds that the applicant failed to comply with requirements of a summary zone change. We further find that the proposed project is lacking vital information to fully support the proposal. Therefore, the Bureau recommends the applicant to submit all required documentation to Department of Land Management in order to proceed with the summary zone change request.

Setbacks. If approved for a summary zone change, the Bureau recommends that proper setback requirements are followed to ensure the minimum yard and lot areas are established for Multi-Family Dwelling, (R-2) zone. As a precaution, the applicant can theoretically develop a maximum of 28 dwelling units, but if not properly planned for those maximum units, the applicant may inadvertently design structures and setbacks that may lead to possible future noncompliance and to a self-created hardship should additional units be proposed in the future. The Bureau recommends the applicant coordinate with Department of Land Management (DLM) for compliance pursuant to the "Zoning Law," 21 GCA, Chapter 61.

Water Resource Protection and Erosion Control. The subject property is located in the Fonte River-Frontal Hagatna Bay Watershed, which comprises, Piti Marine Preserve, various rivers and streams, nearly 12 square miles of forest, and wetlands. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP), 40.4% of this watershed is developed and 21.6% is impervious. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will

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likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent.

The applicant, Ms. Fang Torres is required to implement best management practices before, during, and after construction of the duplexes to control erosion, sediment, and runoff on site. Ms. Fang Torres is further advised to consult with Guam Environmental Protection Agency for effective implementation of these practices that may include but are not limited to the following:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 4. Where feasible, schedule construction during dry season.

The applicant may refer to the CNMI and Guam Stormwater Management Manual, October 2006 and the Guam Erosion & Sediment Control Field Guide available at www.bsp3.guam.gov or at GEPA for detailed construction stormwater treatment criteria and standards, bio-retention areas, and rain garden specifications.

Stormwater Management. The terrain of the corner lot slopes downward and fronts a road that is the entrance to other duplexes further downward from the property. Below the property are existing duplexes that at one time were residential military dwellings but have since been returned to the previous landowners. A stormwater retention plan including swales/berms which will divert runoff is highly encouraged in order to minimize runoff from a high energy downward sloping runoff.

The subject area is in the Central region of the island known as Nimitz Hill. The soil content is not as porous limestone as is found in the Northern Region thus stormwater is pervious in nature and has been known to cause flooding. The Bureau recommends that the applicant work closely with Guam Environmental Protection Agency (GEPA) for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," §1424 and Guam Safe Drinking Water Act," 10 GCA Chapter 53, and for implementation of best management practices in preventing stormwater runoff from contaminating Guam's rivers and coastal waters.

Additionally, the Bureau recommends that the applicant coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and water pollution prevention pursuant to the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the Guam Water Resource Development & Operating Regulations. The project location is sloping in nature and has the potential to impact surrounding properties if not properly addressed and contained on-site. The correlation between impervious surfaces and water-runoff will become high impacting and will lead to flooding problems.

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With this in mind, the Bureau recommends that the applicant take a proactive approach to stormwater retention on the property and minimize as much impacts not only on-site but also to neighboring properties as well. Swales and rain gardens are an example of diversified measures towards that end. For guidance on these practices, an electronic file of the guidebook "Island Stormwater Practice Design Specifications" is available at the Bureau's, Guam Coastal Management Program's website www.bsp3.guam.gov.

Low Impact Development. The alteration of vegetated areas to buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Further, the Bureau recommends the applicant to consider a green approach in its landscaping design by implementing island bioretention, permeable parking and walkways, grassed swales and/or rain gardens as a means to reduce runoff from their property. These approaches will add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration and pride.

The applicants must also consider the growing concerns of flooding due to increased impervious surface and should be required to incorporate sustainable community development as specified in the NCGLUP's Policy LU-5, which states:

"Promote environmental sustainability through a variety of measures. Examples of possible measures include green building design, green spaces in urban areas, green infrastructure, greenway and conservation lands networks...site design to promote renewable energy use, and other measures."

Historical and Archaeological Resources. The applicants did not state in its plan if the property site has known historical or archaeological resources; therefore, the Bureau recommends that the applicants coordinate with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to "Historical Objects and Sites", 21 GCA, Chapter 76.

Native Plant Protection. For landscaping purposes, the Bureau recommends the applicants consult with the Department of Agriculture divisions of Forestry and Soil Resources and Agricultural Services on using native plants to avoid and/or minimize the spread of invasive species. The applicants are also recommended to consult with the Guam EPA on their Pesticide Control Program on the use of organic fertilizers or

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pesticides for landscaping purposes to avoid additional contaminants from entering any natural water source.

Other Government Agency Clearances. The proposed project will be constructed on a vacant lot overgrown with 100% forested and sloping terrain. Because there has not been any development on-site, the property owner will have to connect to nearby sewer and other infrastructure amenities. The Bureau recommends that the applicant Fang Torres, ensure they obtain the appropriate government agency review and approval to ensure the existing infrastructure is capable to meet the designs of the proposed project.

In conclusion, although the Bureau finds that the proposed Summary Zone Change is in line with the existing duplexes which are Multi-Dwelling, the proposed project will likely contribute to Guam's flooding problem if best management measures and LID practices are not in place to control stormwater runoff and to prevent pollutants. Subsequently, should this application be approved, the Bureau recommends that the applicant comply with the aforementioned concerns inclusive of incorporating best management practices into the plans and to implement those practices during and after construction of their project for the protection of Guam's natural resources.

MANUEL Q. CRUZ



William C. McDonald
Acting Director
Manuel Q. Cruz

Deputy Director

Ray Tenorio
Lieutenant Governor

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MEMORANDUM

TO:

Director, Department of Land Management

APR 0 3 2017

VIA:

Division of Planning

FROM:

Acting Director, Bureau of Statistics and Plans

SUBJECT:

APPLICATION NO. SZC 2017-15

LOCATION: Barrigada Lot No. 1085-1-2-1NEW-1 APPLICANT: Mr. Jildo Joseph & Mrs. Linda De Norcey

PROPOSED USE: Rezone from "R-1" Single-Family Dwelling to "R-2" Multi-

Family Dwelling

Buenas yan Håfa Adai! The applicant, Mr. Jildo Joseph & Mrs. Linda De Norcey is requesting for a summary zone change from "R-1" (Single-Family Dwelling) zone, to "R-2" (Multi-Family Dwelling) in order to enclose an extension and renovate a single family dwelling to a duplex for the family and proposed future rental on Lot 1085-1-2-1NEW-1 in the Municipality of Barrigada.

The subject property is located in the municipality of Barrigada and has an approximate area of 8,718.7(±) square feet or just under one quarter of an acre. The property fronts Route 16 directly across the Louis P. Untalan Middle School. The surrounding land uses consist predominantly of single and multi-family dwelling units as well as middle school district nearby. The subject lot is fully developed and all basic infrastructure such as water and power including sewer is available and located 100 ft. from the property development.

The Bureau of Statistics and Plans (Bureau) has completed its review of the application to rezone Lot 1085-1-2-1NEW-1 "R-1" Single-Family Dwelling to "R-2" Multi-Family Dwelling use and provides the following comments and recommendations.

Summary Zone Change. The applicant has submitted a Summary Zone Change application which includes an existing development plan showing the outline sketch of setbacks per building, structure location, an electrical design, and site parking plan. The Bureau emphasizes and cautions the applicant that, according to the Summary Zone Change Guidelines, "any deviation from the accompanying site development plans shall nullify said zone change under this process."

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The application has provided the necessary renovation plan including a rough sketch of the property that is vital and would be necessary to insure that all zoning requirements are addressed and in accordance to the Summary Zone Change requirements for development and is noted that all necessary utilities are available

Title 21 of the Guam Code Annotated; Chapter 61 Zoning Law states that the application should include sketch of the development. §61639 Summary Procedure for Agricultural and Single Family Residential Zoning states:

(a) "The submission of a completed application to the Director of Land Management who shall render a decision thereon within sixty (60) calendar days; provided that: (2) the applicant meets all other requirements established by DLM. This shall include the provision of a rough sketch of the development which the applicant intends to undertake on the land involved."

The Bureau finds that the applicant has complied with the requirements of a summary zone change and can support the proposed request as presented and further recommends the applicant to submit all required documentation to Department of Land Management in order to proceed with the summary zone change request.

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified "Village Center" designation in the Future Land Use Map of the NCGLUP, which states:

"The Village Center category is intended to provide flexibility for a compatible mix of residential, commercial, public facility, medical and other service uses, and open space uses at a scale and pattern that is consistent with traditional Chamorro villages and neighborhoods (similar to the urban neighborhoods proposed by the Hagatna Redevelopment Masterplan) Uses may be mixed vertically, such as retail street level, with residential above, or horizontally, with a mixed of uses next to each other in separate buildings. This designation applies to the existing Dededo and Yigo villages, on a smaller scale to Mangilao and Barrigada, along with two new areas in the northern part of the Island. Flexibility is encouraged in this category, recognizing that the exact mix and configuration of uses must be responsive to community needs and history. Future implementation may include development standards to ensure preservation of existing historic structures. Development should occur in a manner that creates a central focal point and supports bicycle and pedestrian linkages to the surrounding area. Although the areas designated as Village Centers may be quite large, they should be developed as a series of individual neighborhoods (0.25-mile radius).

The Bureau finds that the proposed commercial activity is consistent with village uses in accordance with the North and Central Guam Land Use Plan.

Setbacks. If approved for a summary zone change, the Bureau recommends that proper setback requirements are followed to ensure the minimum yard and lot areas are established for Multi-Family Dwelling, (R-2) zone. The Bureau recommends the applicant coordinate with Department of Land Management (DLM) regarding any future developments for compliance pursuant to the "Zoning Law," 21 GCA, Chapter 61.

Water Resource Protection and Erosion Control. The subject property is located in the Fonte River-Frontal Hagatna Bay Watershed, which comprises, Piti Marine Preserve, various rivers and streams, nearly 12 square miles of forest, and wetlands. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP), 40.4% of this watershed is developed and 21.6% is impervious. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent.

Although it is noted that the development will require minor renovations. The applicants, Mr. Jildo & Mrs. Linda De Norcey is required to implement best management practices before, during, and after construction of the duplexes to control erosion, sediment, and runoff on site. Mr. Jildo & Mrs Linda De Norcey is further advised to consult with Guam Environmental Protection Agency for effective implementation of these practices that may include but are not limited to the following:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 4. Where feasible, schedule construction during dry season.

The applicant may refer to the CNMI and Guam Stormwater Management Manual, October 2006 and the Guam Erosion & Sediment Control Field Guide available at www.bsp3.guam.gov or at GEPA for detailed construction stormwater treatment criteria and standards, bio-retention areas, and rain garden specifications.

Low Impact Development and Stormwater Management. The alteration of vegetated areas to buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while

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minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Further, the Bureau recommends the applicant to consider a green approach in its landscaping design by implementing island bioretention, permeable parking and walkways, grassed swales and/or rain gardens as a means to reduce runoff from their property. These approaches will add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration and pride.

The applicants must also consider the growing concerns of flooding due to increased impervious surface and should be required to incorporate sustainable community development as specified in the NCGLUP's Policy LU-5, which states:

"Promote environmental sustainability through a variety of measures. Examples of possible measures include green building design, green spaces in urban areas, green infrastructure, greenway and conservation lands networks...site design to promote renewable energy use, and other measures."

Historical and Archaeological Resources. The applicants did not state in its plan if the property site has known historical or archaeological resources; therefore, if any further renovation occurs the Bureau recommends that the applicants coordinate with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to "Historical Objects and Sites", 21 GCA, Chapter 76.

Native Plant Protection. For landscaping purposes, the Bureau recommends the applicants consult with the Department of Agriculture divisions of Forestry and Soil Resources and Agricultural Services on using native plants to avoid and/or minimize the spread of invasive species. The applicants are also recommended to consult with the Guam EPA on their Pesticide Control Program on the use of organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering any natural water source.

Other Government Agency Clearances. The Bureau recommends that the applicant Mr. Jildo and Mrs. Linda De Norcey, ensure they obtain the appropriate government agency review and approval to ensure the existing infrastructure is capable to meet the designs of the proposed project.

In conclusion, **The Bureau recommends Approval to the proposed zone change request** and that all other requirements as per the permitting agencies are adhered to and that as set out within the Summary Zone Change guidelines no changes to the proposal be allowed, and that no change in ownership to any other developer other than familial be allowed or the zone change no more than five years are given.

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Although the Bureau finds that the proposed Summary Zone Change is in line with duplexes which are Multi-Dwelling, the proposed project may contribute to Guam's flooding problem if best management measures and LID practices are not in place to control stormwater runoff and to prevent pollutants. Subsequently, should this application be approved, the Bureau recommends that the applicant comply with the aforementioned concerns inclusive of incorporating best management practices into the plans and to implement those practices during and after construction of their project for the protection of Guam's natural resources.

William C. McDonald

Acting Director



William C. Modore

Ray Tenorio
Lieutenant Governor

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William C. Mcdonald
Acting Director
Manuel Q. Cruz
Deputy Director

APR 0 3 2017

MEMORANDUM

TO:

Chairman, Guam Land Use Commission

VIA:

Executive Secretary, Department of Land Management

FROM:

Acting Director, Bureau of Statistics and Plans

SUBJECT:

Position Statement on Application 2017-04; Tract 10417, Lot 7 Municipality

of Yigo, Guam from "A" Rural Zone to "C" Commercial Zone; Applicant: Mr.

Kevin J. Yang c/o Daniel D. Swavely

Håfa Adai! Applicant, Mr. Kevin J. Yang represented by consultant, Daniel D. Swavely seeks to rezone his property located in the Municipality of Yigo, from "A" Rural zone to "C" Commercial zone. The applicant proposes to construct a one story 25,000 square foot shopping mall with activities such as a restaurant, convenience/grocery store, a coffee shop, and other similar activities.

Tract 10417, Lot 7 is located just off the Chalan Lujuna road close to Perez Acres. The property is currently forested and is 136,856 square feet or approximately 3.1 acres and is surrounded by the Perez Acres Subdivision and the Ada Yigo Town Center. A vacant property separates Marine Corp Drive from the applicant's property.

The Bureau of Statistics and Plans (Bureau) has completed its review of Application 2017-04 to rezone Tract 10417 Lot 7 from "A" Rural zone to "C" Commercial zone and provides the following comments and recommendations.

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified "Mixed Use" designation in the Future Land Use Map of the NCGLUP, which states:

"The Mixed Use category primarily focuses on larger commercial centers and corridors, including commercial uses that require large sites and draw customers from throughout the Island. Examples of commercial uses appropriate to this category include but are not limited to department stores, malls, office buildings, medical and other service uses, hotels/motels and restaurants. Mixed use developments incorporating a variety of types and densities of residential units are also appropriate in this designation. Mixed Use development along corridors should be developed in a manner that focuses density in specific areas or 'transit targets' to support high-quality transit service, and should be developed at a walkable neighborhood scale. Along undeveloped corridors, the mixed use development should be interspersed with development that is lower density to maintain natural character and open space."

The Bureau finds that the proposed commercial activity is consistent with mixed uses in accordance with the North and Central Guam Land Use Plan.

Agricultural District. Tract 10417 Lot 7 is located in an "A" Rural zone in the municipality of Yigo. Guam's zoning law, 21 GCA Real Property, Chapter 16, §61637, states:

"No additional land may be established as a rural zone and no land presently zoned "A" may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:

- (a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.
- (b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.
- (c) The Director's opinion whether said rezoning should be approved and reasons therefore."

The Bureau recommends the applicant, Kevin J. Yang, Inc. to submit an agricultural impact statement addressed to the Director of the Department of Agriculture as required by Guam's zoning law.

Aquifer Protection from Commercial Waste. The subject property is in the boundary of the Ground Water Protection Zone of the Northern Guam Lens Aquifer. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

The Bureau is concerned that activities from the proposed commercial zone will adversely

affect Guam's sole source aquifer. The Bureau recommends that the property owner, comply with the following:

- 1. Implement practices for managing waste to avoid potential contamination and ensure long term protection of the aquifer pursuant to the "Resource Conservation and Recovery Act of 1976."
- 2. Comply with an Aquifer Protection Review pursuant to the Federal Safe Drinking Water Act, §1424 and Guam Safe Drinking Water Act, 10 GCA Chapter 53. The property owner must work closely with Guam Environmental Protection Agency (EPA) for this review and for implementation of best management practices (BMPs) in preventing runoff from contaminating Guam's sole source aquifer in accordance with the CNMI Guam Stormwater Management Manual.
- 3. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and water pollution prevention in protection of the Northern Guam Lens Aquifer pursuant to the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the Guam Water Resource Development & Operating Regulations.

Low Impact Development (LID). The subject property is also located in the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from roads, parking lots, driveways, sidewalks, and rooftops accelerate stormwater runoff.

The Bureau is concerned that once impervious surfaces are installed, commercial wastes are easily washed into the aquifer. If not managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors.

The Bureau recommends the property owner to consider a green approach by implementing island bioretention, permeable parking and walkways, living roofs, grassed swales and/or rain gardens as a means to avoid or minimize runoff from their property. These approaches will add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration in accordance with the North and Central Guam Land Use Plan. An electronic file of the guidebook "Island Stormwater Practice Design Specifications" is available on the Bureau's, Guam Coastal Management Program's website

www.bsp3.guam.gov.

Historical and Archaeological Resources. The Bureau recommends coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to "Historical Objects and Sites", 21 GCA, Chapter 76.

The **Bureau recommends approval** to the zone change in order to develop a one story 25,000 square foot shopping mall with activities such as a restaurant, convenience/grocery store, a coffee shop, and other compatible activities. The Bureau finds that the zone change from Rural Zone to Commercial Zone is consistent with the North and Central Guam Land Use Plan "Mixed Use" designation.

However, and most especially due to the Aquifer directly below, the activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place to control stormwater runoff and prevent contaminants from entering the aquifer. Subsequently, if this application is approved, the property owner is highly encouraged to implement best management and LID practices and any other concerns by all the Application Review Member agencies/department as stipulated. Moreover, the applicant must be required to comply with established laws and the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner.

WILLIAM C. MCDONALD

Acting Director